

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA MALIK,

Plaintiff,

v.

DIVERSIFIED CONSULTANTS,
INC., *et al.*,

Defendants.

Case No. 4:06-CV-40

Hon. Richard Alan Enslen

**ORDER OF PARTIAL
DISMISSAL**

On July 24, 2006, this Court issued a Notice of Impending Dismissal, indicating that Defendants Credit Protection Associates and MBNA, Inc. would be dismissed due to failure to make timely service in accordance with Federal Rule of Civil Procedure 4(m) absent a showing of good cause for the delay in service. The United States Marshal's Service has been unable to serve papers on said Defendants because there is no record of the named entities operating within Michigan or elsewhere. (*See* Dkt. Nos. 8 & 22.)

On July 27, 2006, Plaintiff filed a Verified Petition and a Motion for Leave to File First Amended Complaint. The Verified Petition does not dispute the dismissal of the above named parties, but does seek to amend the Complaint to assert claims against "Defendant Credit Protection Association L.P." and also to assert other claims against existing and new Defendants.

THEREFORE, IT IS HEREBY ORDERED that all claims against Defendants Credit Protection Associates and MBNA, Inc. are **DISMISSED**, but without prejudice to Plaintiff's Motion for Leave to File First Amended Complaint.

IT IS FURTHER ORDERED that, in accordance with this Court's customary practices, the Motion for Leave to File First Amended Complaint (Dkt. No. 27) is **REFERRED** to United States Magistrate Judge Ellen S. Carmody for decision.

DATED in Kalamazoo, MI:
August 4, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE